

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Mark Acton, Vice Chairman; and
Robert G. Taub

Inquiry Concerning Scope of Public
Service or Activity Cost Reporting

Docket No. PI2014-1

ORDER DENYING REQUEST FOR EXTENSION

(Issued September 16, 2014)

On August 20, 2014, the Commission established Docket No. PI2014-1 to invite public comment on the universe of "other public services or activities" that the Commission should review under 39 U.S.C. § 3651(b)(1)(C).¹ Order No. 2163 established the procedural schedule for this proceeding, requiring comments be filed no later than September 17, 2014 and reply comments be filed no later than October 1, 2014. *Id.*

On September 16, 2014, Federal Express Corporation (FedEx) requested an extension of time for interested parties to file initial and reply comments.² It explains that the meaning of "other public services or activities" has generated a more

¹ Order No. 2163, Notice Establishing Docket Concerning the Scope of Public Service or Activity Cost Reporting under 39 U.S.C. 3651(B)(1)(C), at 4, August 20, 2014.

² Federal Express Corporation Request for Extension of Time, September 16, 2014 (Request for Extension).

challenging set of questions than originally anticipated. *Id.* at 1. It recommends that the Commission extend the comment deadlines by two weeks. *Id.* It argues that an extension should not create an undue burden on the Postal Service because it had more time to consider the questions raised in this proceeding. *Id.* It asserts that the requested extension would result in a more considered response from other parties. *Id.*

The United Parcel Service (UPS) filed a reply supporting the Request for Extension on the same day.³ It argues that “[t]he two-week extension requested by FedEx would allow interested parties to better assist the Commission in preparing its report to the President and Congress under Section 3651.” *Id.* at 1.

Under its rules of practice and procedure, the Commission may grant extensions of time “for good cause shown.” 39 C.F.R. § 3001.16. The Commission may act on requests for extensions as a matter of discretion without waiting for answers, which would otherwise be due in seven days. *Id.*; see *id.* § 3001.21(b). Given that the Request for Extension was filed one day before the comment deadline, the Commission finds it appropriate to rule on the request immediately to avoid prejudice to other participants who plan to file comments on September 17 consistent with Order No. 2163.

The Commission established this docket over a month ago. FedEx and other interested persons had ample opportunity to prepare comments or request an extension well before the comment deadline. Under the circumstances, requesting an extension one day before the comment deadline is problematic. Assuming that the issues raised in this docket are more complex than originally anticipated, FedEx has not explained why it did not file its Request for Extension earlier in the proceeding.

³ Reply of United Parcel Service In Support of Federal Express Corporation’s Request for Extension of Time, September 16, 2014.

Having failed to show good cause for an extension, the Request for Extension is denied.

It is ordered:

The Federal Express Corporation Request for Extension of Time, filed September 16, 2014, is denied.

By the Commission.

Ruth Ann Abrams
Acting Secretary